

Murkowski
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen

Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester

Van Hollen
Warner
Warnock
Warren
Whitehouse
Wicker
Wyden

NAYS—43

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hawley
Hoeven
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul
Portman

Risch
Romney
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 191, Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

Charles E. Schumer, Jacky Rosen, Thomas R. Carper, Tina Smith, Mazie Hirono, Tammy Baldwin, Richard Blumenthal, Tammy Duckworth, Gary C. Peters, Elizabeth Warren, Richard J. Durbin, Jeanne Shaheen, Christopher A. Coons, Angus S. King, Jr., Kirsten E. Gillibrand, Ben Ray Lujan, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 455 Ex.]

YEAS—53

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murkowski
Murphy
Murray
Ossoff
Padilla
Peters

Reed
Romney
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

NAYS—46

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul

Portman
Risch
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

The PRESIDING OFFICER. The Senator from Utah.

RESTORING TRUST IN PUBLIC HEALTH ACT

Mr. LEE. Madam President, I have now come to the Senate floor 12 times to speak against President Biden's unconstitutional and unwise vaccine mandate. I have introduced 12 bills to counter and limit the mandate. Each time I have asked for one of these bills—each of which should be uncontroversial—and tried to get the Senate to pass them, one Senator or another from across the aisle has objected.

Some of these bills have required only transparency. Other bills would have ensured that religious and medical exemptions be honored. Others still would simply require parental consent before vaccinating children.

While far from the right answer of empowering Americans with all the information to make the decision themselves on when, whether, and under what circumstances to receive the COVID-19 vaccine, these commonsense bills would make the situation better. Each one of them would make it better. Each one of them is and properly should be uncontroversial.

Now, throughout the process, I have been criticized by those on the other

side of the aisle. I have been accused of attacking science and our institutions and somehow perpetuating the virus. Nothing could be further from the truth—nothing. I am for the vaccine. I have been vaccinated. Every member of my family has been vaccinated. I have encouraged others to be vaccinated all along. Nevertheless, Madam President, my support for the vaccine cannot, must not, and will never supersede my sworn oath to uphold, protect, and defend the Constitution of the United States; nor can it supersede the rights of Americans who should, in any free society, in any fair society, be at liberty to make their own properly informed medical decisions. This right has been recognized and it has been rightly celebrated throughout American history.

Another principle deeply enshrined, embedded, built into our Constitution that has been wholly ignored in implementing this mandate and countless other infringements of the rights and freedoms of Americans is the separation of powers. Checks and balances require that all ministers, consuls, and officers of the United States be confirmed by the advice and consent of the Senate. Some of us take that responsibility very seriously.

Any commissioned officer in the military being promoted to O-4 rank or higher requires Senate confirmation. That, of course, is the equivalent of a major in the Army. In other areas of government, positions such as members of the Advisory Board for Cuba Broadcasting, the board of the African Development Foundation, members of the National Councils on the Arts and Humanities, members of the National Science Board, and board members of the Corporation for National and Community Service all require Senate confirmation—every one of them.

Oddly, one position that has exerted huge power over the American people, particularly in recent years, does not require Senate confirmation. The Director of the Centers for Disease Control and Prevention manages over 10,000 employees and has requested over \$15 billion for the Centers' fiscal year 2022 budget.

The CDC, in recent months, has suspended property rights nationwide. It has provided capricious recommendations that local and State officials have used to strictly limit freedoms across the country. The CDC has shown through its own actions and the effects of those actions just how powerful it is. The sheer immensity of the CDC's power has been demonstrated over and over and over again on wide public, very prominent display for the American people to see and witness and experience.

We can and we should debate the authorities of the CDC here in Congress because Congress is, of course, the branch of government most accountable to the people at the most regular intervals. That is why the most dangerous powers, really, are lodged here,

is because of the fact that we stand accountable to the people at the most regular intervals. Every Member of the House stands for election every 2 years. A third of the Senate stands for reelection every 2 years. So we should debate and discuss the authorities of the CDC here in Congress for that very reason.

I look forward to that discussion, which we need to have more of, but the matter at hand today is much simpler. We must consider whether the CDC Director ought to be confirmed by the U.S. Senate. Now, it is absurd to think that someone so powerful can assume this office with no say whatsoever from the legislative branch. It is even more absurd to say that the Senate confirms members of an advisory board on broadcasting in Cuba to protect the interests of the American people—those we represent and those who elected us—but that it has no business confirming someone to be the Director of the Centers for Disease Control and Prevention.

My bill would fix that problem. The Restoring Trust in Public Health Act would require that the CDC Director be confirmed by the Senate. This bill is cosponsored by Senators BLACKBURN, TUBERVILLE, SULLIVAN, BRAUN, TILLIS, and SCOTT of Florida. I appreciate their support for this long-past-due measure.

In order to increase trust in the vaccine and trust in government, we must return transparency and accountability to the process. This bill, in the spirit of the Constitution, would provide an important check on government power and give the people a say in the CDC.

Now, today, I had planned to ask the Senate to pass this bill by unanimous consent. However, just in the last few hours, I have learned that negotiations are now underway and a deal may well be struck in order to make this proposal or something very similar to it law. In light of that development, I will withhold my live UC request for today. But I will note here that if progress isn't made on such a deal, I will be back soon—certainly before the end of the year—to ask this body to immediately take up and pass S. 2734.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Illinois.

VETERANS DAY

Mr. DURBIN. Mr. President, next week, our Nation will commemorate Veterans Day. It will be the first time in a generation that we will honor that day as a nation no longer at war.

With the conclusion of the war in Afghanistan—the longest war in our history—thousands of American troops finally came home. These heroes have returned to our shores, just as this Veterans Day stands as a reminder of everything we owe them, as well as every American who has served this Nation in uniform. More than 2,400 Americans perished in the war in Afghanistan. Thousands more return home with wounds—visible and invisible—that will stay with them for life.

Words are not enough to honor that sacrifice. We need to ensure that our veterans and families have access to the best healthcare in the world, affordable housing, programs that support them as civilians, whether it is students, employees or businessowners.

To serve our Nation in uniform takes a special measure of courage and devotion. For some members of our military, it also takes a great deal of persistence and determination.

Let me tell you about one. I am speaking, of course, of those members of our military who were born in other nations and want to serve America. Over the years, I have shared the story of one of these heroes—his name: Oscar Vasquez.

When Oscar was 12 years old, his family made the journey across the border from Mexico to America. They settled in Arizona. From the time he was a child, Oscar dreamed of serving America in the military. He studied hard in high school, even joined high school ROTC.

But during his junior here, he ran into a problem. He tried to sign up for basic training, but the recruiter informed him that he couldn't serve in the U.S. military without a U.S. birth certificate. It was a tough setback, but Oscar was determined.

He was awarded JROTC officer of the year by his high school, and he led a group of students in an underwater robotics competition. They squared off—these high school students—squared off against college students from schools like MIT. Guess what. They won. The victory led him to Arizona State University, where he earned a degree in mechanical engineering.

After graduating, Oscar got married and had a child, but his undocumented status still prevented him from reaching his full potential, so he moved back to Mexico—a country he hadn't lived in since he was a young boy—to apply for legal entry into the United States. He would have been barred from reentering the United States and separated from his family for 10 years without a special waiver, so he decided to call my office.

He reached out to us and said: "Can you help me get a waiver?"

When the Department of Homeland Security finally granted it, Oscar came home to America.

What was the first thing that he did?

He got his paperwork in order and enlisted in the U.S. Army. Within 6 months of returning to the United States, he was off to basic training. Oscar served our Nation with honor as a cavalry scout in Afghanistan. And, today, he is finally an American citizen.

We spend so much time around here talking about immigrants in negative terms. You look at Oscar and the sacrifice he made to serve our Nation in the military—this man who came to the United States as a little boy, knew what his goal was, and it was to risk his life for this great Nation.

When I hear some of the speeches given on the floor—one yesterday about how the United States is going to give a million dollars to every one of these undocumented people—I think to myself, these preposterous, outlandish, exaggerated stories told about these immigrants belie the real determination many of them have to come to this country and make a difference in their lives and a difference in our future.

Oscar is a living example. Oscar, like so many others, fought for our Nation in every war in our history. But even those who are ready to risk everything in America, for them, our immigration system still is broken.

During this pandemic, thousands of DACA recipients and undocumented immigrants have actually helped save lives across America. They didn't enlist in the Army. They used their skills as doctors and nurses and paramedics and respiratory therapists. They may have saved a member of your family, these immigrants.

On farms throughout the country, thousands more performed back-breaking labor to put food on our table. Donald Trump's administration classified them as "essential workers." I think, for once, President Donald Trump was right.

The pandemic has proven how much we depend on immigrants as members of the military, first responders, and agriculture workers. We couldn't function without them.

That is precisely why reforming our broken immigration system is an integral part of President Biden's Build Back Better. We must include protections for immigrants, like Oscar Vasquez, who have given everything they can to America.

If we want to rebuild our economy and drive its growth for years to come, we should begin by ensuring that immigrants can earn their place in the American story.

How many examples do each one of us know in our own families and other families where these immigrants came to America with literally nothing?

Many of them couldn't speak the language and went hard at work to establish a life, a family, a community, a business that ended up helping the entire Nation.

Immigration reform could boost our Nation's GDP by more than \$1 trillion over the next 10 years—hundreds of thousands of new jobs. And don't buy this theory that it is zero-sum when it comes to the creation of jobs. We have found over and over again that a determined, hard-working person takes a job and helps create a new job in the process. It happens with the creation of business, the creation of jobs over and over again.

It is far past time to reform our immigration system. With the Build Back Better package, we can finally get it done.

BUILD BACK BETTER AGENDA

Mr. President, on the topic of budget reconciliation, we are on the cusp of a